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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,824	02/27/2002	David K. Brown	938-4	2396
28249	7590	10/21/2004	EXAMINER	
DILWORTH & BARRESE, LLP			HUYNH, BA	
333 EARLE OVINGTON BLVD.			ART UNIT	PAPER NUMBER
UNIONDALE, NY 11553			2179	

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/085,824

Applicant(s)

BROWN, DAVID K.

Examiner

Ba Huynh

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/25/03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 13-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- As for claim 13, line 1: The phrase “the one or more operations” lacks clear antecedent basis.
- As for claim 14, line 1: The phrase “the display command” lacks clear antecedent basis.
- As for claim 15, line 1: The phrase “said pop-up text menu” lacks clear antecedent basis.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2179

4. Claims 1, 2, 5-7, 10-13, 16, 17 are rejected under 35 U.S.C. 102(e) as being anticipated by US patent #6,590,586 (Swenton-Wall et al).

- As for claim 1: Swenton-Wall et al teach a computer implemented system and corresponding method for interacting with a slide-show presentation having a plurality of slides (abstract), comprising the means/steps for:
 - retrieving a slide from among the plurality of slides from a memory storage device (4:43-56; 6:22-53), displaying the slide in a first resolution (fig. 3A), performing one or more operations selected from a group consisting of displaying a first window having text corresponding to the display device (fig. 4), displaying a second window having an enlarge image of the slide in a second resolution (fig. 3B, 4), and simultaneously displaying the plurality of slides in a third window in a third resolution (fig. 3A, 5:35 – 6:12).
- As for claims 2, 13: The one or more operations are performed in response to a display command invoked by a user (5:36-40).
- As for claims 5, 16: A slide can be selected to display at different small, medium, and large resolution (5:46-54; 5:66 – 6:12).
- As for claims 6, 17: The plurality of slides are displayed in thumbnail-sketch format (fig. 3).
- As for claim 7: Each of the slides is associated with text (5:4-5).
- As for claims 10, 12: Swenton-Wall et al teach a computer implemented method for interacting with a slide show having a plurality of slides, comprising the steps of:

Art Unit: 2179

retrieving a slide from a memory and displaying the slides at a first resolution (fig. 3A, 6:22-53),

displaying a plurality of command icons for navigation and display functions (e.g., the menu bar 202, icons 318, 326, and the interactive slides themselves), displaying a first window displaying text corresponding to the displayed slide in response to a first command (fig. 4),

displaying a second window having an enlarged portion of the display slide at a second resolution (5:46 – 6:12),

displaying a plurality of the slides in a third window at a third resolution (fig. 3A, 5:46 – 6:12; 6:22-53).

- As for claim 11: The slides can be accessed sequentially or non-sequentially (5:35 – 6:53).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 4, 8, 9, 14, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swenton-Wall et al.

- As for claims 3, 14: The display command is performed via one of a corresponding command icon displayed on the display device concurrent with the displayed slide

and a drop-down text menu (5:9-12, 35-46; 6:39-47). Swenton-Wall fails to clearly teach the pop-up menu. However, Official notice is taken that implementation of pop-up menu is well known in the art of GUI. It would have been obvious to one of skill in the art, at the time the invention was made, to implement the well known pop-up menu to Swenton-Wall. Motivation of the combining is for the apparent advantage of command input since the pop-up menu would be displayed at the cursor location.

- As for claims 4, 15: In light of the combining the pop-up text menu is accessed via a computer pointing device (5:36-48; 6:31-33).
- As for claims 8, 9: A slide can be selected from a menu of titles 608, each title corresponds to a slide (6:27-31). Swenton-Wall fails to clearly teach that the menu is a drop-down menu. However, Official notice is taken that implementation of drop-down menu is well known in the art (see Swenton-Wall teaching of drop-down menu). It would have been obvious to one of skill in the art, at the time the invention was made, to implement the well known drop-down menu to Swenton-Wall's teaching of menu 608. Motivation of the combine is for saving display estate.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (703) 305-9794 (after 10/20/04: (571) 272-4138). The examiner can normally be reached on Mon - Fri.

Art Unit: 2179

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (703) 308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ba Huynh
Primary Examiner
AU 2179
10/17/04

BA HUYNH
PRIMARY EXAMINER